IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 319 OF 2007

Sayyatunnisha Mohd.Islam Shah ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.S.S. Lanke with Mr.Ditendra Mishra for the Petitioner.
Mr.J.G. Aradwad(Reddy) for Respondent No.3.
Mr.A.S. Mungekar for Respondent No.4.

CORAM : V.M. KANADE, J.

DATED : APRIL 25, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

2. The petitioner is challenging the order passed by Assistant Chief Officer, Mumbai Circle, dated 24.11.2006 whereby the petitioner's application for grant of alternate accommodation in lieu of her hut in the slum has been rejected.

3. The learned Counsel for the petitioner submits that no reasons have been assigned by the authority while rejecting the said application and the documentary

evidence which was tendered by the petitioner has not been taken into consideration.

4. It is not possible to accept this contention. In the impugned order, the Assistant Chief Officer has stated that when the inspection was taken on 7th November, 2006, it was noticed that hut of Nazir Ahmed was found at that place and his name has been shown in the list of residence who are eligible for getting alternate accommodation. In the affidavit-in-reply which is filed by respondent no.4, it is mentioned that son and the husband of the petitioner have been granted alternate accommodation and they have accepted the possession of the flat bearing Nos.701 and 702 which are situated on the 7th floor in the ‘G’ Wing of Kurla Nehru Nagar, Angolimala Co-operative Housing Society Ltd. It is stated that the petitioner, therefore, is not entitled to get alternate accommodation. These facts are not controverted by the petitioner by filing affidavit-in-rejoinder.

5. Under the circumstances, there is no merit in

the submission made by the learned Counsel appearing on behalf of the petitioner.

. Writ Petition is, accordingly, dismissed in limine.

(V.M. Kanade, J.)